

2019 JAN 24 AM 9:08

STATE OF MICHIGAN

IN THE THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE

JUVENILE DIVISION

IN THE MATTER OF,

ISABELLA PARKER,
DYLAN PARKER,

Case No. 18-000,676
Petition No. 18001004

Hon. Frank Szymanski

EXCERPTS OF PROCEEDINGS

JUDGE'S RULING OF BENCH TRIAL

BEFORE THE HONORABLE FRANK SZYMANSKI, CIRCUIT COURT JUDGE

Detroit, Michigan - Thursday, November 29, 2018

APPEARANCES:

For the Petitioner:

GERALD MILLER, ESQ. (P25591)
Assistant Attorney General
3030 W. Grand Blvd., Suite 10-200
Detroit, Michigan 48202
Telephone: (313) 456-3019

For the Children:

REGINALD THOMAS, ESQ. (00910)
Michigan Children's Law Center
One Heritage Place, Suite 210
Southgate, Michigan 48195
Telephone: (313) 833-1615

For the Mother and Father:

LISA KIRSCH SATAWA, ESQ. (P52675)
1133 W. Long Lake Rd. Ste. 150
Bloomfield Hills, Michigan 48302
Telephone: (248) 792-3060

Reported by:

Cassandra Waters (CSR-8126)
Certified Shorthand Reporter

1	T A B L E	O F	C O N T E N T S
2			
3	<u>WITNESSES:</u>		<u>PAGE</u>
4	None		
5			
6			
7			
8			
9			
10			
11			
12			
13		E X H I B I T S	
14			<u>ADMITTED</u>
15	None		
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 Detroit, Michigan

2 Thursday, November 29, 2018 - at 2:44 p.m.

3 THE CLERK OF THE COURT: We're here in the matter of
4 Isabella and Dylan Parker, Jacket No. 18-000,676N; Petition
5 18001004N.

6 All parties state your name for the record.

7 MR. MILLER: Gerald Miller, Assistant Attorney General,
8 on behalf of the Department of Health and Human Services.

9 MS. STONE: Taylor Stone, Petitioner on behalf of DHHS.

10 MR. THOMAS: Reginald Thomas, Michigan Children's Law
11 Center, our office represents the children. I am standing in for
12 Eliot Zipser.

13 MR. PARKER: James Parker, father of Isabella and Dylan
14 Parker.

15 MS. SATAWA: Lisa Kirsh Satawa, attorney for both
16 parents.

17 MS. PARKER: Allison Parker, mother to Dylan and
18 Isabella Parker.

19 * * *

20 THE COURT: So look, I heard a lot of science here. I
21 appreciate the attorneys and the work they did in terms of
22 preparing and presenting this. I wish that I had this in all of
23 my cases. I understand there might be some dispute about this
24 Vitamin D. Look, I'm going to just quickly mention a couple of
25 things that I thought were significant.

1 First of all, it became very clear to me that you can't
2 pick up bone deficiencies from an x-ray. Secondly, while I agree
3 there is this dispute about what does Vitamin D deficiency and
4 what is Ehlers-Danlos Syndrome mean in terms of bone fragility and
5 I realize that, you know, it's not quote, a settled science, I'll
6 use that term. There is room to accept that this could be part of
7 the explanation, and I have two parents here who I have with the
8 exception of these actual injuries, I have no evidence of either
9 of these parents being bad actors.

10 I don't have a domestic violence history. I don't have
11 a criminal violent history. I mean, they're just, they're just
12 normal people who have been thrown into a nightmare here by the
13 fact that their child could be susceptible to these types of
14 injuries through less than what we would normally consider
15 traumatic action, I'll say that. So, and I think about, well, if
16 I take jurisdiction what would I do? The parents are already
17 providing for their children and they're doing so and Mr. Miller's
18 remark numerous times, well, they have been fine since they came
19 into care.

20 Well, they came into care but they have been in care by
21 the parents. So, I mean, that argument really cuts both ways. I
22 mean, yeah, I could take jurisdiction and order them to take a
23 parenting class, but what would that do? That wouldn't make them
24 better parents than they already are. So, and I thought about
25 this bruising a lot, and you know, Dr. Smith gave me a plausible

1 explanation. And when I consider possible disposition towards
2 more easily bruising that Dylan certainly might have, and I
3 understand there is no conclusive proof that mother has
4 Ehlers-Danlos Syndrome or that Dylan has it, you know. I don't
5 have a box checked off on a medical chart that says it's
6 absolutely final but there is certainly all kinds of supportive
7 evidence of that.

8 So, I'm just not inclined to ignore all of that. And I
9 shutter to think about, you know, other cases where all of these
10 factors might be involved and the judge never gets the information
11 and never gets an opportunity to understand that there might be an
12 alternative explanation. And I don't think Dr. Moore is
13 necessarily, you know, is just doing things because she's getting
14 paid but I heard a lot deeper science from some of the other
15 witnesses than I heard from Dr. Moore, and I think it would be
16 absurd for us based on what we heard to assume that the Vitamin D
17 level was already at 12 at birth when it was being supplemented
18 ever since the child was born when the child came in on
19 April 13th.

20 So I think everybody understands where I'm at on this.
21 I understand why the Department felt it was appropriate. Every
22 time there is broken bones on a young child they file a petition,
23 I understand, unless there is an admission that the child was in
24 an auto accident or some explanation, I understand all of that.

25 To the parents, you know, I think in my mind you have

1 acquitted yourselves in terms of establishing, you need to thank
2 Ms. Satawa because she did a job I rarely see in this courtroom.
3 So any of us could find ourselves in your situation base on a
4 predisposition of a child. I'm sorry you had to experience all of
5 this, case dismissed.

6 (At 4:32 p.m., proceedings concluded)

7 - - -
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I certify that this transcript, consisting of 7 pages, is a complete, true, and correct transcript of the proceedings and testimony taken in this case by Cassandra T. Waters on November 29, 2018.

A handwritten signature in cursive script, appearing to read 'Cassandra T. Waters', is written over a horizontal line.

CASSANDREA T. WATERS (CSR-8126)
P.O. Box 55
Wayne, Michigan 48184
Telephone: (734) 741-3894

Dated: January 24, 2019